

# **EXHIBIT F**

Kimmins, Matthew  
L.C., a minor v. State of California

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

)  
L.C., a minor by and through her )  
guardian ad litem Maria Cadena, )  
individually and as )  
successor-in-interest to Hector )  
Puga; I.H., a minor by and through )  
his guardian ad litem Jasmine )  
Hernandez, individually and as )  
successor-in-interest to Hector )  
Puga; A.L., a minor by and through )  
her guardian ad litem Lydia Lopez, )  
individually and as )  
successor-in-interest to Hector )  
Puga; and ANTONIA SALAD UBALDO, )  
individually, )  
)  
Plaintiffs, )  
)  
vs. )Case No. 5:22-cv-  
 ) 00949-KK-(SHKx)  
STATE OF CALIFORNIA; COUNTY OF SAN )  
BERNARDINO; S.S.C., a nominal )  
defendant; ISAIAH KEE; MICHAEL )  
BLACKWOOD; BERNARDO RUBALCAVA; )  
ROBERT VACCARI; JAKE ADAMS; and )  
DOES 6-10, inclusive, )  
)  
Defendants. )  
)

REMOTE VIDEO TAPED DEPOSITION OF MATTHEW KIMMINS

MARCH 4, 2025

REPORTED BY: RACHAEL RAMIREZ  
Certified Shorthand Reporter  
License No. 13098

**Kimmins, Matthew  
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20                   REMOTE VIDEOTAPED DEPOSITION OF MATTHEW  
21 KIMMINS, taken remotely via Zoom, on Tuesday,  
22 March 4, 2025, at 2:01 p.m., before Rachael Ramirez,  
23 Certified Shorthand Reporter, in and for the State  
24 of California.

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1 APPEARANCES

2

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ROBERT VACCARI AND JAKE ADAMS:

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14 FOR THE DEFENDANTS STATE OF CALIFORNIA BY AND  
THROUGH CALIFORNIA HIGHWAY PATROL AND MICHAEL  
15 BLACKWOOD:

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20

21 ALSO PRESENT: Gigi Fadich, Videographer

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23

24

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1 TUESDAY, MARCH 4, 2025, 2:01 P.M.  
2  
3

3 THE VIDEOGRAPHER: Good afternoon. This is  
4 the remote deposition of Matthew Kimmins taken on  
02:01:49 5 Tuesday, March 4, 2025, in the matter of L.C., et  
6 al. versus State of California, et al., Case  
7 Number 5:22-cv-00949-KK-(SHKx). This case is being  
8 heard in the United States District Court, Central  
9 District of California.

02:02:13 10 This deposition is on behalf of the  
11 defendant. My name is Gigi Fadich, legal  
12 videographer, contracted through Dean Jones Legal  
13 Videos, Incorporated, of Los Angeles and Santa Ana,  
14 California. Because we are not in person, I will  
02:02:24 15 have to interrupt proceedings if deponent drifts out  
16 of frame or there should be any connectivity issues.

17 This deposition is commencing at 2:02 p.m.  
18 Pacific time. All present please identify  
19 themselves beginning with the deponent. You are  
02:02:42 20 muted.

21 THE WITNESS: Sorry about that. My name is  
22 Matthew Kimmins, and I am the creative director for  
23 Trial Template.

24 MS. MARGOLIES: Amy Margolies on behalf of  
02:02:53 25 County defendants.

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02:02:56 1 MS. ESQUIVEL: Diana Esquivel on behalf of  
2 the State defendants.

3 MS. MASONGSONG: Renee Masongsong on behalf  
4 of the plaintiffs.

02:03:01 5 THE VIDEOGRAPHER: Would the court reporter  
6 please introduce herself and administer the oath.

7 THE REPORTER: My name is Rachael Ramirez.  
8 I am a California Certified Shorthand Reporter. My  
9 license number is 13098.

02:03:07 10  
11 MATTHEW KIMMINS,  
12 having been first duly sworn, was examined  
13 and testified as follows:

02:03:07 15 EXAMINATION

16  
17 BY MS. MARGOLIES:

18 Q Good afternoon, Mr. Kimmins. My name is  
19 Amy Margolies, and I represent the County  
02:03:34 20 defendants, and I'll be asking you some questions  
21 today.

22 A Certainly.

23 Q I do apologize for the quality of my voice  
24 and quite possibly the quality of my questions as we  
02:03:46 25 move forward today. If you have any trouble hearing

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04:35:25 1 pull that up again, and I'm on page 6 of your  
2 report.

3 A I assume you're referring to the shot count  
4 paragraph.

04:35:51 5 Q I am. The first sentence -- so on page 6,  
6 last paragraph there's a header that reads "shot  
7 count."

8 A Uh-huh.

9 Q And the first sentence under "shot count"

04:36:04 10 Q states "Based on the files we have reviewed, we  
11 cannot with any amount of clear specificity  
12 determine how many shots were fired in total because  
13 the audio is so overlapping with loud punctuated WAV  
14 forms of audio."

04:36:27 15 A Correct.

16 Q Did I read that correct?

17 A That is correct.

18 Q And if I'm understanding your report, then,  
19 you state that each audio WAV form that indicates a  
04:36:42 20 shot could be representative of either the gunshot  
21 itself or an echo of the gunshot; is that right?

22 A That is correct. However, may I share  
23 my -- my screen with you and share something?

24 Q I'm happy to have you share something.

04:37:16 25 Just give me one second. I just want to make sure

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04:41:58 1 did conclude as far as the audio -- trying to  
2 examine the audio files is that you really do need a  
3 forensic audio expert, and I stand by that. I  
4 really do. This needs further scrutiny, and it is a  
04:42:15 5 level of scrutiny that I do not believe I have the  
6 technology or the professional experience to really  
7 go into further detail on. So this is requiring a  
8 little bit more attention to examine the audio form.

9 Q Thank you for that.

04:42:33 10 In your report you wrote in the middle  
11 there of that same paragraph, "the audio from these  
12 sources could not be clear enough for us to  
13 distinctly count shots fired with accuracy."

14 A That is true. Although the right and left  
04:42:49 15 audio channels do give me greater understanding and  
16 do provide more definition, it is still very  
17 difficult for us to understand how many shots are  
18 fired at the end of it. I cannot with any amount of  
19 specificity state the number of shots that were  
04:43:06 20 fired.

21 Q Do you have any training and experience on  
22 firearms?

23 A Training, yes.

24 Q What training do you have in using  
04:43:17 25 firearms?

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04:47:20 1 A Okay.

2 Q Okay. So I just want to make sure. Is it  
3 your testimony that you can hear a bang from a gun  
4 and that a bullet will have ejected out of that gun?

04:47:39 5 A You're using the term "ejected."

6 There's -- the bullet could be fired from the  
7 barrel, but the casing, you know -- the shell is  
8 ejected. So there are many instances where a round  
9 is fired and comes out of the barrel but the casing  
04:47:54 10 is not ejected. There's -- oftentimes there's jams  
11 and things like that that happen. Yes.

12 Q Okay. Fair enough. But you are not an  
13 expert in ballistics; correct?

14 A No. Not at all. Nope. Not at all.

04:48:09 15 Q In your video that you have, you title the  
16 video "post-fall bullet count video."

17 A Yes.

18 Q Right?

19 A Yes.

04:48:24 20 Q But you don't know how many bullets were  
21 actually fired; true?

22 A Not with any amount of absolute  
23 specificity. What we did notice was when I was  
24 isolating the left and right audio channels, what

04:48:46 25 became clear was that the right audio channel

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04:48:48 1 contained a lot more definition and being able to  
2 hear the shots, and it made -- it made that counting  
3 a little bit easier but by no means 100 percent. I  
4 cannot say unless, you know -- this needs to go in  
04:49:05 5 front of an audio expert really.

6 Q And if I'm understanding your words  
7 correctly, are you equating the gunshot sounds to be  
8 the same as bullet count?

9 A Shots fired is what I would -- it's not  
04:49:21 10 bullet count. It's just shots fired is the way that  
11 I would title it based on, you know, the -- but  
12 initially it is hard to separate is this a shot? Is  
13 it -- they're firing so quick, it really is  
14 difficult. I think that I can actually -- I can

04:49:45 15 accurately narrow down the shots. I can't say  
16 100 percent. I believe I can bring it -- you know,  
17 I believe I can count it, but I cannot say with  
18 100 percent that is absolutely certain. So I can  
19 give a best educated guess, which is my best count,

04:50:05 20 and it's based on what I can see in the audio files.

21 Q And you cannot say who fired --

22 A Not at all.

23 Q -- the gunshots?

24 A Not in the least.

04:50:20 25 Q You couldn't say whether it was CHP, the

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1 DECLARATION UNDER PENALTY OF PERJURY

2

3 I, MATTHEW KIMMINS, do hereby certify under  
4 penalty of perjury that I have read the foregoing  
5 transcript of my deposition taken on March 4, 2025;  
6 that I have made such corrections as appear noted  
7 herein; that my testimony as contained herein, as  
8 corrected, is a true and accurate transcription of  
9 my testimony.

10

11

12 Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
13 2025, at \_\_\_\_\_, California.  
14 CITY

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MATTHEW KIMMINS

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1 REPORTER'S CERTIFICATION

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3 I, Rachael Ramirez, do hereby certify:

4 That I am a licensed Certified Shorthand

5 Reporter, duly qualified and certified as such by

6 the State of California.

7 That prior to being examined, the witness

8 named in the foregoing deposition was duly sworn to

9 testify under oath.

10 That the preceding deposition was recorded

11 stenographically by me at the time and place herein

12 mentioned; and that the preceding pages constitute a

13 complete and accurate record of the testimony given

14 by the aforementioned witness.

15 That I am a neutral party, in no way

16 interested in the outcome of said action, and that I

17 am not related to or otherwise connected with any of

18 the parties involved with this matter, or their

19 respective counsel.

20

21 DATED: 3/27/2025

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Rachael Ramirez, CSR No. 13098